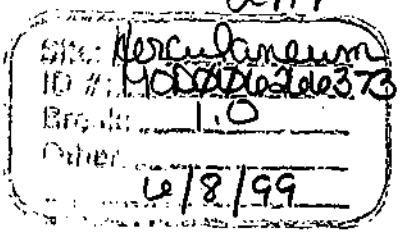
DOCUMENT 032
13 PAGES

DEPARTMENT OF THE ARMY
ST. LOUIS DISTRICT, CORPS OF ENGINEERS
1222 SPRUCE STREET
ST. LOUIS, MISSOURI 63103-2833

June 8, 1999

A717



aap

Regulatory Branch
File Number: 199901510

Mr. James Lanzafame
The Doe Run Company
881 Main Street
Herculaneum, Missouri 63048

Dear Mr. Lanzafame:

This correspondence is in follow up to our field inspection on March 24, 1999, at the Doe Run Smelter, in Herculaneum, Missouri. The investigation was in response to information supplied to us by the Missouri Department of Natural Resources, concerning possible unpermitted filling of wetlands on your slag disposal site, and possible future wetland impacts. Present during field inspection were myself and Kathrine Kelley, Corps of Engineers Regulatory Branch; and yourself, representing Doe Run Company.

Section 404 of the Clean Water Act authorizes the Department of the Army to establish and enforce a Regulatory Program to protect "waters of the United States." "Waters of the United States" includes all rivers, lakes, large and small streams with perennial or intermittent flow, artificial water bodies, and wetlands. This office has jurisdiction to investigate and enforce Section 404 within the St. Louis District boundaries.

During the field inspection, we walked the perimeter of the current slag disposal area, south of the smelter. At several points around the perimeter, sampling was conducted for a jurisdictional wetland determination, with data collected at 3 of these locations. Other than the slag disposal pile, there was no fill material on the area inspected. After inspecting the current slag disposal site, we inspected the proposed slag disposal site located just west of the smelter, on the opposite (right descending bank side) of Joachim Creek. Data was collected for a wetland determination at the proposed slag disposal site.

As a result of the field inspection on the two sites, we have made the following determinations. Jurisdictional wetlands are present on both the current slag disposal site, and the proposed slag disposal site. On the current slag disposal site, slag has

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

2517 443 142

been placed onto jurisdictional wetlands, which are "Waters of the United States", under the Clean Water Act. We consider the slag material a waste product, and not fill material, as defined in a 1986 "Memorandum of Agreement between the Assistant Administrator for External Affairs and Water, U.S. Environmental Protection Agency, and the Assistant Secretary of the Army for Civil Works Concerning Regulation of Discharges of Solid Waste Under the Clean Water Act". If you plan on capping the slag disposal site, or placing a berm or structure around it, this would be considered fill, and require authorization from the Corps. On the proposed future slag disposal site, the discharge of the slag into waters of the United States would not require Section 404 authorization from the Corps, because, as stated previously, the slag is considered a waste product, and not fill. If however, you plan on constructing berms, structures, placement of liners, or placing fill other than the slag material in the proposed site, this would require Section 404 authorization from the Corps.

CEMVS-CO

CEMVS-CO

As a result of this inspection, we have determined that there has been no technical violation of Section 404 of the Clean Water Act at this location. This fill is historic in nature but a large amount was placed after 1972, when this area came under our jurisdiction by law. We would not have concurred with this type of use in a wetland area. We believe that this is more properly regulated under Section 402 of the Clean Water Act as it lies. While it does raise the bottom elevation of "waters of the United States" we cannot establish that this material was placed for the purpose of filling and land conversion. However, we are adamantly opposed to the expansion of the footprint of this material and are interested in reviewing any information that would indicate the leachate is spreading chemical contamination throughout the wetland and into Joachim Creek or the Mississippi River. We are requesting to be informed of any permit applications or application review processes in reference to this site and the wetlands that are present here. Please be aware that this determination is applicable only to the permit program administered by the Corps of Engineers. It does not eliminate the need to obtain other Federal, state, or local approvals.

As a result of this determination, the file on this matter is administratively closed as of the date of this letter. We will, however, maintain the file in our records, for future reference. If you have any questions concerning this determination, you may call me at (314) 331-8186.

Sincerely,

G. WARD LENZ

Ward Lenz
Enforcement Unit
Regulatory Branch

Enclosure: Wetland determination data

Copy Furnished:

Mr. Pat Costello
U.S. Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

Mr. John Madras
Missouri Department of Natural Resources
Water Pollution Control Program
Post Office Box 176
Jefferson City, Missouri 65102-0176

Mr. Larry Hopkins
Missouri Department of Natural Resources
Division of Environmental Quality
Post Office Box 176
Jefferson City, Missouri 65102-0176

Mr. Scott Waltrip
Missouri Department of Natural Resources
Division of Solid Waste Management
P.O. Box 176
Jefferson City, Missouri 65102

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: Slag pile area, Site #1 Applicant/Owner: Doe Run Company Investigator: Ward Lenz, Kathrine Kelley	Date: March 24 1999 County: Jefferson State: Missouri
Do Normal Circumstances exist on the site? (Yes) No Is the site significantly disturbed (Atypical Situation)? Yes (No) Is the area a potential Problem Area? Yes (No) (If needed, explain on reverse.)	Community ID: 1 Transect ID: Plot ID: 1a Mapped as 1-1

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. Ulmus americana	T	FACW-	9.		
2. Acer saccharinum	T	FACW	10.		
3. Carex spp.	H	?	11.		
4.			12.		
5.			13.		
6.			14.		
7.			15.		
8.			16.		

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-). ≥66%

Remarks:

HYDROLOGY

___ Recorded Data (Describe in Remarks):
- ___ Stream, Lake, or Tide Gauge
- ___ Aerial Photographs
- ___ Other

___ No Recorded Data Available

Field Observations:

Depth of Surface Water: _____ (in.)

Depth to Free Water in Pit: _____ (in.)

Depth to Saturated Soil: _____ (in.)

Wetland Hydrology Indicators:

Primary Indicators:
- ___ Inundated
- ___ Saturated in Upper 12 Inches
- ___ Water Marks
- ___ Drift Lines
- ___ Sediment Deposits
- ___ Drainage Patterns in Wetlands

Secondary Indicators (2 or more required):
- X Oxidized Root Channels in Upper 12 Inches
- ___ Water-Stained Leaves
- X Local Soil Survey Data
- X FAC-Neutral Test
- ___ Other (Explain in Remarks)

Remarks:

SOILS

1-1

Map Unit Name (Series and Phase): Dieble silt loam — Drainage Class: Poor

Taxonomy (Subgroup): _____ — Field Observations Confirm Mapped Type? (Yes) No — Similar

Profile Description:

Depth (inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.
0-9"	A+Bg	2.5Y 5/2	10YR 4/6	Common fine prominent	Silty clay loam
9-24"	Bg	"	"	"	" " "

Hydric Soil Indicators:

- ___ Histosol
- ___ Histic Epipedon
- ___ Sulfidic Odor
- X Aquic Moisture Regime
- ___ Reducing Conditions
- X Gleyed or Low-Chroma Colors
- ___ Concretions
- ___ High Organic Content in Surface Layer in Sandy Soils
- ___ Organic Streaking in Sandy Soils
- X Listed on Local Hydric Soils List
- ___ Listed on National Hydric Soils List
- ___ Other (Explain in Remarks)

Remarks:

WETLAND DETERMINATION

Hydrophytic Vegetation Present? (Yes) No (Circle)
Wetland Hydrology Present? (Yes) No
Hydric Soils Present? (Yes) No

Is this Sampling Point Within a Wetland? (Circle) (Yes) No

Remarks:

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: Slag pile area, Site #1 Applicant/Owner: Doe Run Company, Herculaneum, MO Investigator: Ward Lenz, Kathrine Kelley	Date: March 24, 1999 County: Jefferson State: Missouri
Do Normal Circumstances exist on the site? (Yes) No Is the site significantly disturbed (Atypical Situation)? Yes (No) Is the area a potential Problem Area? Yes (No) (If needed, explain on reverse.)	Community ID: 1 Transect ID: Plot ID: 2 Mapped as 1-2

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. Ulmus americana	T	FACW-	9.		
2. Carex sep.	H	?	10.		
3. Acer saccharinum	T	FACW	11.		
4. Apocynum cannabinum	S	FAC	12.		
5. Salix nigra	T	OBL	13.		
6.			14.		
7.			15.		
8.			16.		

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-). ≥ 80 %

Remarks:

HYDROLOGY

___ Recorded Data (Describe in Remarks):
- ___ Stream, Lake, or Tide Gauge
- ___ Aerial Photographs
- ___ Other

___ No Recorded Data Available

Field Observations:

Depth of Surface Water: _____ (in.)

Depth to Free Water in Pit: 6 (in.)

Depth to Saturated Soil: _____ (in.)

Wetland Hydrology Indicators:

Primary Indicators:
- ___ Inundated
- X Saturated in Upper 12 Inches
- ___ Water Marks
- ___ Drift Lines
- ___ Sediment Deposits
- ___ Drainage Patterns in Wetlands

Secondary Indicators (2 or more required):
- X Oxidized Root Channels in Upper 12 Inches
- ___ Water-Stained Leaves
- X Local Soil Survey Data
- X FAC-Neutral Test
- ___ Other (Explain in Remarks)

Remarks:

SOILS

1-2

Map Unit Name (Series and Phase): Dieble silt loam — Drainage Class: Poor

Taxonomy (Subgroup): _____ — Field Observations Confirm Mapped Type? (Yes) No — similar

Profile Description:

Depth (inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.
0-24"	A+Bg	2.5Y 5/2	10YR 4/6	common prominent	silty clay loam

Hydric Soil Indicators:

- ___ Histosol
- ___ Histic Epipedon
- ___ Sulfidic Odor
- X Aquic Moisture Regime
- ___ Reducing Conditions
- X Gleyed or Low-Chroma Colors
- ___ Concretions
- ___ High Organic Content in Surface Layer in Sandy Soils
- ___ Organic Streaking in Sandy Soils
- X Listed on Local Hydric Soils List
- ___ Listed on National Hydric Soils List
- ___ Other (Explain in Remarks)

Remarks:

WETLAND DETERMINATION

Hydrophytic Vegetation Present? (Yes) No (Circle)
Wetland Hydrology Present? (Yes) No
Hydric Soils Present? (Yes) No

(Circle)
Is this Sampling Point Within a Wetland? (Yes) No

Remarks:

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: Slag pile area, site #1 Applicant/Owner: Doe Run Company, Herculaneum, MO Investigator: Ward Lenz, Kathrine Kelley	Date: March 24, 1999 County: Jefferson State: Missouri
Do Normal Circumstances exist on the site? (Yes) No Is the site significantly disturbed (Atypical Situation)? Yes (No) Is the area a potential Problem Area? Yes (No) (If needed, explain on reverse.)	Community ID: 1 Transect ID: Plot ID: 3 Mapped as 1-3

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. Carex Spp	H	?	9.		
2. Fraxinus pennsylvanica	T	FACW	10.		
3. Salix nigra	T	OBL	11.		
4.			12.		
5.			13.		
6.			14.		
7.			15.		
8.			16.		

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-). ≥ 66%

Remarks:

HYDROLOGY

___ Recorded Data (Describe in Remarks):
___ Stream, Lake, or Tide Gauge
___ Aerial Photographs
___ Other
___ No Recorded Data Available

Field Observations:

Depth of Surface Water: _____ (in.)
Depth to Free Water in Pit: 6 (in.)
Depth to Saturated Soil: _____ (in.)

Wetland Hydrology Indicators:
Primary Indicators:
___ Inundated
X Saturated in Upper 12 Inches
___ Water Marks
___ Drift Lines
___ Sediment Deposits
___ Drainage Patterns in Wetlands
Secondary Indicators (2 or more required):
X Oxidized Root Channels in Upper 12 Inches
___ Water-Stained Leaves
___ Local Soil Survey Data
X FAC-Neutral Test
___ Other (Explain in Remarks)

Remarks:

SOILS

1-3

Map Unit Name (Series and Phase): Gabriel silt loam

Drainage Class: Poor

Field Observations Confirm Mapped Type? (Yes) No Similar

Taxonomy (Subgroup): _____

Profile Description:

Depth (inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.
0-9"	A+Bg	10YR 5/1	10YR 5/6	common prominent	Silty clay loam
9-18"	Bg	"	"	" "	" " "

Hydric Soil Indicators:

- ___ Histosol
- ___ Histic Epipedon
- ___ Sulfidic Odor
- X Aquic Moisture Regime
- ___ Reducing Conditions
- X Gleyed or Low-Chroma Colors
- ___ Concretions
- ___ High Organic Content in Surface Layer in Sandy Soils
- ___ Organic Streaking in Sandy Soils
- X Listed on Local Hydric Soils List
- ___ Listed on National Hydric Soils List
- ___ Other (Explain in Remarks)

Remarks:

WETLAND DETERMINATION

Hydrophytic Vegetation Present? (Yes) No (Circle)
Wetland Hydrology Present? (Yes) No
Hydric Soils Present? (Yes) No

(Circle)
Is this Sampling Point Within a Wetland? (Yes) No

Remarks:

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: Proposed slag pile, site #2 Applicant/Owner: Doe Run Company, Herculaneum, MO Investigator: Ward Lenz, Kathrine Kelley	Date: March 24, 1999 County: Jefferson State: Missouri
Do Normal Circumstances exist on the site? (Yes) No Is the site significantly disturbed (Atypical Situation)? Yes (No) Is the area a potential Problem Area? Yes ~~No~~ (If needed, explain on reverse.)	Community ID: 2 Transect ID: ____ Plot ID: 1 Mapped as 2-1

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. ACER Saccharinum	T	FACW	9.		
2. ULMUS AMERICANA	T	FACW-	10.		
3. Fraxinus pennylvanica	T	FACW	11.		
4.			12.		
5.			13.		
6.			14.		
7.			15.		
8.			16.		

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-). 100%

Remarks:

HYDROLOGY

___ Recorded Data (Describe in Remarks):
- ___ Stream, Lake, or Tide Gauge
- ___ Aerial Photographs
- ___ Other

___ No Recorded Data Available

Field Observations:

Depth of Surface Water: _____ (in.)

Depth to Free Water in Pit: 7 (in.)

Depth to Saturated Soil: _____ (in.)

Wetland Hydrology Indicators:

Primary Indicators:
- ___ Inundated
- X Saturated in Upper 12 Inches
- ___ Water Marks
- X Drift Lines
- ___ Sediment Deposits
- ___ Drainage Patterns in Wetlands

Secondary Indicators (2 or more required):
- X Oxidized Root Channels in Upper 12 Inches
- ___ Water-Stained Leaves
- ___ Local Soil Survey Data
- X FAC-Neutral Test
- ___ Other (Explain in Remarks)

Remarks:

SOILS

2-1

Map Unit Name (Series and Phase): Gabriel silt loam

Drainage Class: Poor

Taxonomy (Subgroup): _____

Field Observations Confirm Mapped Type? (Yes) No — Similar

Profile Description:

Depth (inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.
0-10"	A-Bg	10YR 5/1	10YR 4/6	Many medium prominent	Silty clay loam
10-24"	Bg	"	"	" "	" " "

Hydric Soil Indicators:

- ___ Histosol
- ___ Histic Epipedon
- ___ Sulfidic Odor
- X Aquic Moisture Regime
- ___ Reducing Conditions
- X Gleyed or Low-Chroma Colors
- ___ Concretions
- ___ High Organic Content in Surface Layer in Sandy Soils
- ___ Organic Streaking in Sandy Soils
- ___ Listed on Local Hydric Soils List
- ___ Listed on National Hydric Soils List
- ___ Other (Explain in Remarks)

Remarks: Approximately 300' from Joachim Creek

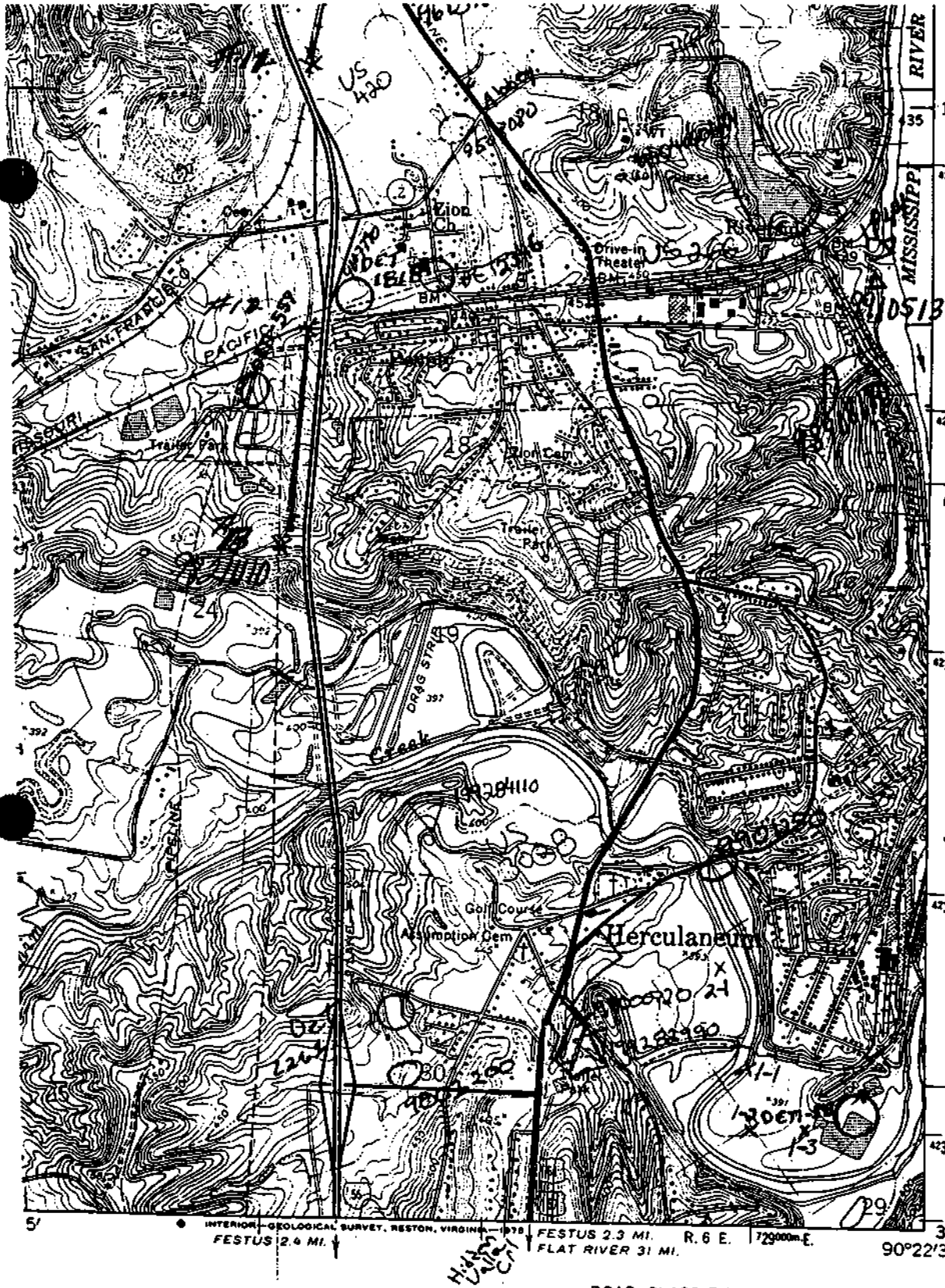
WETLAND DETERMINATION

Hydrophytic Vegetation Present? (Yes) No (Circle)
Wetland Hydrology Present? (Yes) No
Hydric Soils Present? (Yes) No

Is this Sampling Point Within a Wetland? (Circle) (Yes) No

Remarks:

Approved by HQUSACE 3/92



HERCULANEUM, MO.

SW/4 KIMMSWICK 15' QUADRANGLE

N3815—W9022.5/7.5

1954

PHOTOREVISED 1968 AND 1974

(SELMA) 7960 III NE

Wetland Determinatio Data Site

WL.

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. James Lanzafame
The Doe Run Company
881 Main Street
Herculaneum, MO 63048

4a. Article Number

Z 517 443 142

4b. Service Type

☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

6-11-99

5. Received By: *(Print Name)*

8. Addressee's Address *(Only if requested and fee is paid)*

6. Signature: *(Addressee or Agent)*

X

PS Form 3811, December 1994 Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.